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Joshua's Comments . . .

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[5325] Joshua's Comments for the Status Conference for September 8, 2017.pdf
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

LITTLE ROCK SCHOOL DISTRICT PLAINTIFF
v. Case No. 4:82cv866DPM
PULASKI COUNTY SPECIAL DEFENDANT
SCHOOL DISTRICT, ET AL.
MRS. LORENE JOSHUA, ET AL. INTERVENORS

Joshua's Comments For the Status Conference

Joshua calls to the Court's attention the following information regarding the status of compliance with remaining Plan 2000 obligations in each district.

1. Disturbing information regarding facilities work in the PCSSD has come to Joshua's attention by virtue of its monitoring and the recent supplemental report filed by present counsel for PCSSD. It appears that inaccurate and perhaps deceptive information has previously been provided to the Court and Joshua and that current projects are proceeding in a racially discriminatory manner. Joshua has begun to gather information regarding facility projects so as to be able to present the matter to the Court in a proper manner. Joshua will also review carefully the information which PCSSD has stated that it is pursuing in its supplemental submission. Joshua's monitoring to date suggests that PCSSD has sufficient resources to be able to replace the College Station and Harris schools, two schools which were only for African American students in the dual school system

days and which PCSSD in one of its required Master Plan submissions to the State stated could only be equalized by replacement.

2. PCSSD provided a report on its discipline for 2016-17 which did not fully comply with the requirements of Plan 2000. It was marked by a failure to provide a series of charts with details by school, race, gender, and type of discipline. These detailed charts needed for a fully compliant report had uniformly been provided in prior years.

3. PCSSD has available by race, gender, grade and school the results of ACT ASPIRE testing for the 2016-17 school year. PCSSD has neither reported in a court submission the results of testing nor, the extent of its efforts to address racial disparities in test outcomes, a required focus of its obligation.

4. Joshua notes that JNPSD is obliged to file its motion regarding staffing compliance within a few days. Thereafter, Joshua is to commence discovery promptly. Based on the results of Joshua's efforts to secure information on staffing to date in its normal monitoring efforts, it may be necessary for Joshua to seek Court involvement during the discovery process. The hearing on the staffing matter is scheduled for February, 2018. There are stark differences in the parties' positions on the staffing matter.

5. Joshua notes the same deficiencies with respect to JNPSD in the areas of discipline and achievement, as discussed regarding PCSSD. The deficiency regarding discipline is more extreme in JNPSD, as the district has provided no information regarding the second semester of the 2016-17 school year.

6. An issue rooted in the creation of the new district (JNPSD) and the historic construction and maintenance of facilities in the PCSSD has come to Joshua's attention. The relevant facts are set forth in the KAHN report prepared pursuant to Section H(1) of Plan 2000 and Judge Miller's facility findings for the PCSSD in his May, 2011 Opinion denying the district unitary status on the facility issue. The Court of Appeals thereafter affirmed the findings on which his denial of unitary status was based. The KAHN report revealed that many of the facilities in Jacksonville, a disproportionately African American area of the district, were deficient requiring in several instances total replacement and in the instance of Jacksonville High School, the largest expenditure for rehabilitation of any one school in the district. Judge Miller found more recent disproportionate expenditures on schools in white neighborhoods in the district and identified particular shortcomings in Jacksonville schools.

7. With the detachment, the new district has far less monies available to build school facilities than does PCSSD due to a large disparity in property wealth between the districts. Given the history before the creation of the new district, it would be appropriate to require that PCSSD provide some funds each year to the new district for facilities. Revision of existing orders must be explored to avoid the new district's current proposal which provides for construction of many facilities far in the future. The culpability of the State for this discriminatory pattern, by action or inaction, should also be explored.

Respectfully submitted,

/s/ John W. Walker
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CERTIFICATE OF SERVICE

I do hereby state a copy of the foregoing Report has been filed utilizing the CM/ECF system wherein a copy will be automatically served on all counsel of the record on this 7th day of September, 2017.

/s/ John W. Walker